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Attorneys for Plaintiff  
ELECTRONICS FOR IMAGING, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELECTRONICS FOR IMAGING, INC., a  
Delaware corporation,

Plaintiff,

vs.

TESSERON, LTD., an Ohio limited liability  
company,

Defendant.

) Case No. 3:07-CV-5534 CRB

) **DECLARATION OF JAMES L.**  
) **ETHERIDGE IN SUPPORT OF EFT'S**  
) **OPPOSITION TO TESSERON'S MOTION**  
) **TO DISMISS OR, IN THE ALTERNATIVE,**  
) **TO TRANSFER VENUE**

) Date: February 1, 2008

) Time: 10:00 a.m.

) Judge: Hon. Charles R. Breyer

1 I, James L. Etheridge, declare as follows:

2 1. I am Vice President of Strategic Relations and General Counsel for Electronics for  
3 Imaging, Inc. ("EFI"). I have been an employee of EFI since 1995. I am an attorney at law duly  
4 admitted to practice before this Court, as well as the United States Patent and Trademark Office.  
5 Unless indicated otherwise, I have personal knowledge of the facts set forth in this Declaration.

6 2. In 2005, Tesseract Ltd. ("Tesseract") sent a letter to EFI, informing EFI that it had recently  
7 filed suit against Xerox and GMC for patent infringement in the United States District Court for the  
8 Northern District of Ohio. Tesseract also threatened that EFI should negotiate a license because,  
9 depending on how the litigation against Xerox and GMC progressed, Tesseract could decide that it  
10 would be better served enforcing its rights through litigation.

11 3. On April 6, 2005, I sent a letter requesting that Tesseract send copies of relevant patents,  
12 file histories, and any other documents that would show how Tesseract's patents relate to EFI's  
13 products. Tesseract never responded.

14 4. On January 19, 2007, I sent another letter to Tesseract requesting information regarding  
15 how EFI products related to Tesseract's patents. Again, Tesseract never responded.

16 5. Tesseract sent letters alleging patent infringement to many of EFI's customers including  
17 Ricoh Company, Ltd. and Konica Minolta Business Technologies, Inc.

18 6. Ricoh Company, Ltd. and Konica Minolta Business Technologies, Inc. have demanded  
19 that EFI indemnify them against Tesseract's claims.

20 7. EFI's world headquarters' and principal place of business is located in Foster City,  
21 California.

22 8. EFI employs almost 500 engineers and other highly skilled workers in Foster City.


23 9. All of EFI's variable data printing solutions are developed and supported at EFI's  
24 headquarters in Foster City and all of the relevant engineers are in Foster City.

25 10. All of EFI's relevant documentation and witnesses regarding the development, structure,  
26 function and operation of its variable data printing products are also located in Foster City. These  
27 materials include EFI's source code database, engineering documentation, financial data, intellectual  
28 property records, sales documentation, marketing documentation and user documentation.

1 11. Forcing a number of EFI's key technology workers to travel to Ohio would not only be  
2 costly, but would negatively impact EFI's business by their absence.

3 I declare under penalty of perjury under the laws of the United States of America that the  
4 foregoing is true and correct.

5 Executed this 11 day of January 2008, at Foster City, CA

6   
7 \_\_\_\_\_  
8 James L. Etheridge